

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 198 of 1996

with

A.O.No. 199/96

with

CAs.Nos.3796 & 3797 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No.

GUJARAT ELECTRICITY BOARD

Versus

CITIZEN SYNTHETICS

Appearance:

MR TUSHAR MEHTA for appellant.

MR PB MAJMUDAR for Respondents

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 06/09/96

ORAL JUDGEMENT

Admit.

Mr. P.B.Majmudar waives service on behalf of the respondents in both the appeals. At the request of the

learned Advocates of the parties, these appeals are taken up for final hearing to-day.

Having perused the impugned order passed by the learned 5th Joint Civil Judge (S.D.), Bharuch below Ex.5 in Special Civil Suits Nos.215/95 and 10/96, it does not appear to be correct when the learned Judge has considered the consumption of electricity supply for the last twenty days instead of counting the period of last six months. Mr.P.B.Majmudar for the respondents has fairly consented to the setting aside of the impugned order.

In view of this concession on behalf of the respondents, the impugned order is set aside. Mr. P.B.Majmudar for the respondents has stated that the respondents will deposit an additional amount of Rs.1,50,000/- in each of these matters over and above the amount directed to be deposited by the learned trial Judge. In view of this, it is hereby ordered that the respondents will deposit Rs. 1,50,000 in each of these matters over and above the amount directed by them within 4 weeks from to-day. It is clarified that the reconnection which is already granted by the appellant is subject to the deposit of the additional amount by the respondents and whatever amount that has been deposited by the respondents and the amount that is to be deposited by them hereafter will be subject to the result of the suits and the appellant will treat the said amounts as deposits and will refund the same in the event the respondents succeed in the suits with interest at the prevailing rate.

These appeals are disposed of accordingly with no order as to costs. In view of the above, no orders in the respective civil applications and they are disposed of accordingly.

It goes without saying that whatever observations made by the learned trial Judge and by this Court are tentative for the purpose of deciding Ex.5 as well as these appeals from order and will not come in the way of either of the parties while deciding the suits. Considering the facts and circumstances of the case, the trial Court is directed to hear and dispose of the suits as expeditiously as possible and preferably within six months from to-day.

True copy

